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Docket No.: 55793-DIV (48340)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Linda A. Sherman, et al.

EXAMINER: R.B. Schwadron

SERIAL NO.: 09/774,681

GROUP: 1644

FILED: February 1, 2001

FOR: RECOMBINANT CONSTRUCTS ENCODING T CELL RECEPTORS  
SPECIFIC FOR HUMAN HLA-RESTRICTED TUMOR ANTIGENS

MAIL STOP: AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to MAIL STOP: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 and designated by the "Express Mail" mailing label No. EV 437 819 770 US on November 4, 2004.

By Sharon Bizokas  
Sharon Bizokas

Sir:

**SECOND SUPPLEMENTAL AMENDMENT**

Please amend the above application as follows.

**Amendments to the claims** begin on page 2 of this paper.

**Remarks** begin on page 6 of this paper.



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By   
Sharon Bizokas

Sir:

**TRANSMITTAL LETTER**

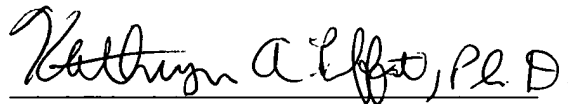
Transmitted herewith for filing in the above-referenced patent application are the following documents:

1. Response to Office Communication (3 pages);
2. Second Supplemental Amendment (7 pages);
3. Copy of Office Communication (2 pages)
4. This transmittal letter (1 page) (x2); and
5. Return Receipt Postcard

The Commissioner is hereby authorized to charge any excess fees that may be required, or credit any overpayment to Deposit Account No. 04-1105. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: November 4, 2004



Kathryn A. Piffat, Ph.D. (Reg. No. 34,901)  
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By Sharon Bizokas  
Sharon Bizokas

.....  
Sir:

**RESPONSE TO OFFICE COMMUNICATION**

In response to the Office communication dated October 4, 2004, Applicants respond as follows.

Applicants respectfully disagree that a species election should be required in this case. For example, the Office has already conducted what should have been a comprehensive search in the parent case. Accordingly, the searching burden posed by the present case should be minimal. Any further searching that is needed would be substantially co-extensive with the prior search.

The U.S. Patent and Trademark Office previously issued an Election/Restriction Requirement on March 1, 2003. To comply with that previous Office requirement that

Applicants elect a species for examination purposes, Applicants responded as follows in the Response filed May 8, 2003:

“Applicant elects an isolated nucleic acid molecule that includes a nucleotide sequence encoding a **beta peptide**, in which the peptide is **murine** and **HLA-A2 restricted** and is specific for **p53 antigen**. The elected nucleic acid further includes sequence that encodes a **transmembrane and cytoplasmic region of human CD3 zeta** in which that sequence **corresponds to nucleotide numbers 927 to 1334** as shown in Figure 3A-B, for instance. Further elected is a sequence encoding **the CD8 hinge between nucleotide numbers 786 to 914** as shown, for example, in Figure 3A-B. “

The elected species is featured by claims 6-19 and 22-31, for instance.

In the present Office Communication, a copy of which is enclosed, the Examiner has required election of a species of specific flexible linker. Applicants respectfully traverse this requirement in view of their previous election.

In order to further prosecution of the present application, however, Applicants elect (Gly<sub>4</sub>Ser)<sub>3</sub> as a species of specific flexible linker.

Applicants make the present election solely to comply with Office requirements for examination. It is expected that prior to issuance of a Notice of Allowance, that the Office will conduct a comprehensive search of the prior art that is commensurate with the scope of all pending claims.

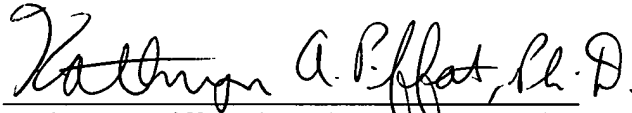
Early examination of this application is earnestly solicited.

Although it is not believed that any further fee is required to consider this submission, the

Examiner is hereby authorized to charge our deposit account 04-1105 should any fee be deemed necessary.

Respectfully submitted,

Date: November 4, 2004

A handwritten signature in cursive script, reading "Kathryn A. Piffat, Ph.D.", written over a horizontal line.

Kathryn A. Piffat, Ph.D. (Reg. No. 34,901)

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